

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET											
CR No:		22-1561 MIS			USA vs.:		RIVERA				
Date:		01/16/2024			Name of Deft:		MICHAEL RIVERA				
Before the Honorable:				MARGARET I. STRICKLAND, UNITED STATES DISTRICT JUDGE							
Time In/Out:		1:28 P.M. – 2:28 P.M.			Total Time in Court (for JS10):		1 HOUR				
Clerk:		JESSICA CHAVEZ			Court Reporter:		VANESSA ALYCE CHAVEZ				
AUSA:		MARISA ONG ELIOT NEAL			Defendant's Counsel:		BROCK BENJAMIN				
Sentencing in:		LAS CRUCES			Interpreter:		NONE				
Probation Officer:		CESAR ROSILES			Sworn?		X	Yes			No
Convicted on:			Plea	X	Verdict	As to:			Information	X	Superseding Indictment
If Plea:		X	Accepted		Not Accepted	Adjudged/Found Guilty on Counts:		COUNTS 1, 2 AND 3			
If Plea Agreement:			Accepted		Not Accepted	No Plea Agreement		Comments:			
Date of Plea/Verdict:		7/11/2023			PSR:		X	Not Disputed			Disputed
PSR:		X	Court Adopts PSR Findings			Evidentiary Hearing:		X	Not Needed		Needed
Exceptions to PSR:											
SENTENCE IMPOSED				Imprisonment (BOP): COUNT 1: 420 MONTHS COUNTS 2 AND 3: 360 MONTHS (SAID COUNTS TO RUN CONCURRENT- 420 MONTHS)							
Supervised Release:		COUNTS 1, 2, 3: 30 YEARS (TO RUN CONCURRENT)			Probation:						
500-HOUR DRUG PROGRAM		X		BOP SEX OFFENDER PROGRAM		OTHER:					
Court recommends ICE begin removal proceedings immediately or during service of sentence								X	ICE not applicable		
SPECIAL CONDITIONS OF SUPERVISION											
Participate in/successfully complete subst abuse program/testing (up to 60 tests per year)					Reside halfway house months days						
Participate in/successfully complete mental health program					Register as sex offender						
Refrain from use/possession of alcohol (up to 4 tests per day)					X	Participate in sex offender treatment program					
Submit to search of person/property					X	Possess no sexual material					
No contact with victim(s) and/or co-deft(s)/co-conspirator(s)					X	No computer with access to online services					
No entering or loitering near victim's residence					X	No contact with children under 18 years					
Provide financial information					X	No volunteering where children supervised					
Grant limited waiver of confidentiality (subst abuse / mental)					X	Restricted from occupation with access to children					
Participate in an educational or vocational program					X	No loitering within 100 feet of school yards					
OTHER:											
Fine: \$					Restitution: \$		NONE ORDERED/WAIVED				
SPA: \$		300 (\$100 as to each Count)			Payment Schedule:		X	Due Imm.			Waived
OTHER:											
X	Advised of Right to Appeal			Waived Appeal Rights per Plea Agreement							
X	Held in Custody			Voluntary Surrender							
X	Recommended place(s) of incarceration:			FCICLOSE TO LAS CRUCES, NEW MEXICO OR FCI TUCSON, ARIZONA.							
OTHER COMMENTS:				COURT PROCEED TO OBJECTIONS FILED BY COUNSEL							
				DEFENSE OBJECTION							
				1:32 P.M. MR. BENJAMIN OBJECTION #1 AS TO OBSTRUCTION OF JUSTICE MS. ONG RESPONSE – TESTIMONY BY VICTIM COURT: SUSTAINS OBJECTION							

**1:35 P.M. MR. BENJAMIN OBJECTION #2 USE OF COMPUTER
MS. ONG RESPONSE - U.S. v GALLEGOS
COURT: OVERRULES OBJECTION**

**1:37 P.M. MR. BENJAMIN OBJECTION #3 PARAGRAPH 45
MS. ONG RESPONSE - TWO SEPARATE INSTANCES
COURT – OVERRULE OBJECTION**

**1:41 P.M. MR. BENJAMIN OBJECTION #4 (GROUPING -DOUBLE COUNTING
MS. ONG RESPONSE – PROBATION OFFICER CORRECTLY APPLIED
COURT – OVERRULE OBJECTION**

**1:44 P.M. MR. BENJAMIN OBJECTION #5 TRIAL PENALTY
MS. ONG RESPONSE
COURT – OVERRULE OBJECTION**

GOVERNMENT OBJECTIONS

**1:45 P.M. MS. ONG OBJECTION ADDITIONAL ENHANCEMENT CONTACT
MR. BENJAMIN RESPONSE
COURT – OVERRULE OBJECTION**

**1:50 P.M. MS. ONG OBJECTION ADDITIOANL ENHANCEMENT SUPERVISORY
CONTROL
MR. BENJAMIN RESPONSE
COURT – OVERRULE OBJECTION**

**1:56 P.M. MS. ONG - VICTIM AND FAMILY NOT PRESENT. LETTERS AND
IMPACT STATEMENTS SUBMITTED. ARGUMENT AS TO SENTENCE.**

1:59 P.M. MR. BENJAMIN - ARGUMENT AS TO SENTENCING

2:06 P.M. MR. RIVERA ALLOCUTION